



Clark County Public Health
Environmental Public Health Services

Policy Brief

Date: September 9, 2013
Title: Group B Public Water Systems
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BACKGROUND

As approved by the Washington State Legislature and effective as of January 1st, 2014, changes to Washington Administrative Code (WAC) 246-291 "Group B Public Water System" has a significant impact on the definition of Group B systems and how systems are approved and operated.

A **Group B Public Water System** (PWS) meet at least one of the following:

1. Serves 3-14 connections
2. Is a food service establishment, Residential treatment facility¹, Transient accommodations, boarding home, Childcare or Nursing home with fewer than 15 connections.
3. Serves fewer than 25 people more than 60 days in a calendar year.

Group B PWS serve approximately 12,480 Clark County (CC) residents. Poorly operated systems can pose a significant health risk. Risks include water borne illnesses such as cryptosporidium, E. coli, giardia lamblia, methemoglobinemia (blue baby syndrome), etc. Certain groups such as immunocompromised individuals or groups are at increased risk. In addition, many of these systems can serve a significant number of CC residents and visitors during peak seasons of use. (Examples include: churches, day care centers, hospice care)

Based on sanitary survey results collected in Clark County 6/1/2008-7/27/2009¹:

- 76% of systems were not in compliance with water quality monitoring. Consequently, water quality for these systems is unknown.

¹ Any facility permitted under WAC 246-337-001 or WAC 388-76; Supporting RCW's include 71.12, 71.05, 70.96A, 71.34.

- 20% were not in compliance with wellhead protection standards. (nearby contamination sources and open points of entry to the water source)
- 40% of systems had evidence of rodents in the well house.

Clark County Public Health (CCPH) is concerned about these risks.

RESPONSE

CCPH staff began discussing proposed changes and local impacts in 2012.

A workgroupⁱⁱ comprised of county staff, municipal entities and private engineering firms began meeting in July 2013. The goal of this workgroup was to consider impacts of the DOH Group B WAC changes, identify options to mediate any identified risks and to develop recommendations to CCPH decision makers and the Clark County Board of Health (BOH).

As identified by the workgroup, changes to the WAC have the following local negative impacts without local action:

1. DOH will no longer offer direct technical assistance to the public, operators, or LHJ. (A website will be created and maintained or private technical experts will provide assistance.)
2. More restrictive source water quality criteria limits options for development.
3. Elimination of oversight of operation and sampling requirements.
4. Reduced enforcement ability and action.
5. Single connection commercial sites will not require any design review or oversight.

Options for CC decision makers include:

1. **Take no action:** all authority, technical assistance and design review would be done by Washington State Department of Health (DOH). Restrictive design criteria of WAC could limit development within Clark County where Group B systems are the only method of providing potable water other than private individual wells.
2. **Enter a Joint Plan of Responsibility (JPR) with DOH:** CCPH currently operates under such a plan. A new plan would need to be drafted and signed to address changes to the WAC. A JPR would offer local involvement but require strict application of WAC and potentially limit development within Clark County. A funding source currently exists but may need to be amended to reflect changes in WAC. (As of the date of this document, a fee exists to support efforts under the current JPR.)
3. **Adopt a local ordinance:** create and adopt a local ordinance addressing design oversight, operation and maintenance requirements and enforcement authority. This would provide the greatest amount of flexibility for application and would minimize negative impacts to development resulting from the WAC changes. Per WAC, the local ordinance would need to

include monitoring requirements and primary enforcement capability. A funding source, such as an operating permit, would need to be identified. A local ordinance would need to address new and existing water systems. CCPH would recommend monitoring requirements for existing systems. Funding need is dependent upon the scope of the local ordinance requirements for monitoring and enforcement.

RECOMMENDATIONS

It is the recommendation of the workgroup to begin the process of drafting a local ordinanceⁱⁱⁱ to address the changes to WAC 246-291. A JPR should be established as a stop gap until such time an ordinance can be drafted, cost analysis conducted and potential adoption by CC to offer local resources and maximized efficiency.

Major rationale includes:

- 1. Ensures Flexibility to Support Development** – If a local ordinance is not adopted, requirements for Group B system approval will restrict development in Clark County. The group believes that having an ordinance will improve the flexibility of requirements and will provide more opportunity for development in areas where public water connection is not currently available.
- 2. Maintain Local Control** – Without a local ordinance, Clark County developers and property owners will need to seek approval from DOH in Olympia. The group believes the process will be expedited and simpler if a local ordinance provided CCPH to oversee Group B systems.
- 3. Protect the Health of Clark County Residents** - A local ordinance will provide local oversight, technical assistance, expedited response to problems and improved operating of Group B systems to minimize risks as previously outlined.

NOTE: The group supports evaluating the effectiveness of a JPR as a long term option – but believes an ordinance is likely to be the best solution. Should ordinance work progress under an initial JPR agreement, CCPH will monitor and summarize program performance to better inform the workgroup and decision makers of the pros and cons that become more visible while operating under a JPR.

CONSIDERATIONS

These considerations were discussed by the workgroup and CCPH staff:

- 1. Clark County Coordinated Water System Plan:** Updated in 2011 to ensure continued coordination between water purveyors. This plan provides the process for the establishment of new Group B water systems. There is no authority provision through this document. However, any actions should be in agreement with this document. Specifically, identifying preferred sources for public water. The Growth Management Act (GMA) contemplates urbanizing areas

connect to public water. Group B systems are a suitable substitute when no other public water utility exists.

2. Existing Clark County plans^{iv} provides a process by which Group B systems can be an option when direct service by the CWSP designated public water purveyor is not available. While their construction operation is not intended as a long source, Group B systems will continue to meet the drinking water supply need for a number of businesses and residents in CC for the foreseen future. The workgroup, in realizing this fact, was very supportive of some cost effective regulatory oversight to ensure quality and quantity are maintained.
3. Proper operations and maintenance of systems is critical to protect the health of those using a water source. An effort should be taken to provide oversight, technical assistance and training to operators.
4. Metering of individual connections is an effective method to establish maintenance costs for each connection and determine water distribution system leakage.

NEXT STEPS

Discuss options available for Clark County involvement with Group B water system in more depth during the work session scheduled November 13th, 2013.

Seek direction from the Clark County Board of Health.

Signature of updated JPR by January 1st, 2014.

Last Updated: October 30th, 2013

ⁱ Sanitary surveys ceased as of 2010 due to funding reductions.

ⁱⁱ Workgroup (Attending and/or Review) Participating Agencies: City of Camas, City of Vancouver, Clark County Community Planning, Olson Engineering, Clark Public Utilities, Clark County Public Health

ⁱⁱⁱ Important that local ordinance is in compliance with Water Rights Laws, State Department of Ecology

^{iv} Coordinated Water System Plan Update 2011; Clark County 10-Year Comprehensive Growth Management Plan 2010.